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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,751	08/21/2008	Gianfranco Bedetti	9526-98 (195017)	3729

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EXAMINER	
PENNY, TABATHA L	

ART UNIT	PAPER NUMBER
1712	

NOTIFICATION DATE	DELIVERY MODE
02/28/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip@akerman.com

Office Action Summary	Application No.	Applicant(s)	
	10/599,751	BEDETTI, GIANFRANCO	
	Examiner	Art Unit	
	TABATHA PENNY	1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 December 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a)as being unpatentable over Bedetti (WIPO Publication WO 02074427A2) in view of Kuo (US Patent No. 4426936).

Regarding claim 1, Bedetti describes a fluid bed granulation process of a predetermined substance comprising: forming through a continuous fluidification air flow of a predetermined flow rate (pg. 6 ln. 3-9)), a fluid bed of granules of the substance to be granulated, fed to it in form of seeds (abstract); feeding said fluid bed with a continuous flow of growth substance (pg. 6 ln. 4-7); inducing, in at least part of the fluidification air flow, the formation of a substantially vortex-shaped circulatory movement of the granules of the substance to be granulated in said fluid bed (pg. 6 ln. 15-33); maintaining and regulating said circulatory movement through said part of the fluidification air flow wherein said substantially vortex-shaped circulatory movement has a substantially horizontal axis (pg. 6 ln. 10-13).

Bedetti does not appear to explicitly disclose the continuous fluidification air flow is divided into a plurality of fractions having respective flow rates comprised between a minimum value flow rate, sufficient to support the fluid bed, fed at the first zone thereof, and a maximum value flow rate, fed in another zone of the same bed, so as to induce and to maintain said substantially vortex-shaped circulatory movement of the granules of said substance. However, Bedetti discloses a vortex flow of material that is generated in the container by a flow of air from distributor 10 attached to the container

(page 6, lines 3-14, Fig. 3). Fluidification air of Bedetti is also passed through holes a perforated bottom of the apparatus. The holes in the perforated bottom of the apparatus of Bedetti are uniformly distributed, and are not distributed with increasing density or pitch starting from a long side wall of the container towards an opposite long side wall of the container itself (pg. 9 ln. 3-20). However, Kuo teaches a fluidized bed in which a toroidal (vortex) flow is induced and maintained by altering the distribution of holes in the perforated bottom from a high density to a low density (column 5, lines 27-50, Figs. 2-3). Kuo does not appear to explicitly disclose the flow rates from the perforated bottom is such that the minimum value is sufficient to support the fluid bed and the maximum value is so as to induce and maintain said substantially vortex-shaped circulatory movement of the granules of said substance; however, Kuo teaches the flow induces a vortex fluidized bed within the chamber and thus the flow must be between the minimum value and maximum value as claimed.

One of ordinary skill in the art at the time of the invention would therefore have found it prima facie obvious to modify the fluidized bed of Bedetti by distributing the holes in the bottom with increasing density, as taught by Kuo, because said artisan would have appreciated that such a modification would advantageously simplify the apparatus by eliminating the need for the air distributor of Bedetti and said artisan would have had a reasonable expectation of predictably obtaining the coated particles of Bedetti by using distribution of holes.

Regarding claims 2-3, Kuo teaches the pattern of holes in the perforated plate is like that shown in Figure 3 (col. 5 ln. 33-34). Kuo further teaches the arrangement of

holes determines the path of particle flow in the chamber (col. 5 ln. 38-41). Figure 3 depicts a stepwise, substantially gradual and continuous change in density of holes in the perforated plate (Fig. 3); therefore, Kuo inherently discloses the variation in fluidification air flow rates between the maximum and minimum is step-wise as well as substantially gradual and continuous.

Regarding claim 4, Bedetti discloses the granules of substance are made to flow with a substantially helical movement from one end of the fluid bed where a flow of seeds of substance is continually fed, to an opposite end of the fluid bed where a flow of finished granulated product is continually discharged (pg. 7 ln. 14-19 and pg. 5 ln. 14-20).

Regarding claim 5, Bedetti teaches the finished product obtained in said fluid bed is continuously discharged from said fluid bed by gravity (pg. 10 ln. 8-27).

Response to Arguments

3. Applicant's amendment, see amendment, filed 12/20/2010, with respect to the rejections in view of Niks et al. have been fully considered and are persuasive. Applicant has amended the claim to require continuously dividing the fluidification air flow between a minimum and maximum flow rate. The rejections of the claims in view of Niks et al. has been withdrawn.

4. Applicant's arguments with respect to the rejections in view of Niks et al. have been considered but are moot in view of the new ground(s) of rejection, which was necessitated by the amendment.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TABATHA PENNY whose telephone number is (571)270-5512. The examiner can normally be reached on Monday thru Friday 8:00am-4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on (571)272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/tp/

/Katherine A. Bareford/
Primary Examiner, Art Unit 1715